

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

**ANGEL DAVID VAZQUEZ ROQUE,

Debtor.**

**CASE NO. 15-06279 (BKT)

CHAPTER 7**

**UNITED STATES TRUSTEE'S AMENDED OBJECTION TO
DEBTOR'S DISCHARGE PURSUANT TO 11 U.S.C. § 727(a)(8)**

TO THE HONORABLE COURT:

Guy G. Gebhardt, Acting United States Trustee for Region 21, pursuant to Sections 307 and 727(c)(1) of the Bankruptcy Code, through his undersigned counsel, respectfully states and prays as follows:

1. This is a contested matter objecting to the discharge of the Debtor pursuant to Section 727(a)(8) of the Bankruptcy Code and Federal Rules of Bankruptcy Procedure 4004(d) and 9014.

Facts

2. On June 24, 2009, Debtor filed a petition under Chapter 7 of the Bankruptcy Code which was docketed as case no. 09-5122 (ESL).

3. The Debtor was granted a discharge under Section 727 of the Bankruptcy Code on September 24, 2009. *See* Exhibit A – Case No. 09-5122, Docket No. 13.

4. The Debtor filed the case of caption on August 17, 2015. (Docket No. 15).

Objection to Discharge

5. Section 727(a)(8) of the Bankruptcy Code, in pertinent part, provides as follows:

(a) The court shall grant the debtor a discharge, unless—

...

(8) the debtor has been granted a discharge under this section . . . in a case commenced within 8 years before the date of the filing of the petition;

11 U.S.C. § 727(a)(8).

6. The case in which Debtor previously received a discharge was filed on June 24, 2009, which is within eight years of the filing of the petition in the instant case.

7. Consequently, Debtor is not entitled to a discharge pursuant to the provisions of Section 727(a)(8) of the Bankruptcy Code.

8. An unsworn declaration under penalty of perjury in compliance with P.R. L.B.R. 9013-1(c)(3) is attached hereto as Exhibit B.

WHEREFORE, the United States Trustee respectfully requests that the Honorable Court enter an order denying the discharge of the Debtor and grant such other and further relief as the Court may deem appropriate.

NOTICE

Within fourteen (14) days after service as evidenced by the certification, and an additional three (3) days pursuant to Fed. R. Bank. P. 9006(f) if you were served by mail, any party against whom this paper has been served, or any other party to the action who objects to the relief sought herein, shall serve and file an objection or other appropriate response to this paper with the clerk's office of the United States Bankruptcy Court for the District of Puerto Rico. If no objection or other response is filed within the time allowed herein, the paper will be deemed unopposed and may be granted unless: (i) the requested relief is forbidden by law; (ii) the requested relief is against public policy; or (iii) in the opinion of the court, the interest of justice requires otherwise.

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that on this day I electronically filed a true and exact copy of the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

MONSITA LECAROS ARRIBAS

ustpreregion21.hr.ecf@usdoj.gov

WIGBERTO LUGO MENDER

trustee@lugomender.com,
wlugo@ecf.epiqsystems.com

JUAN R SIERRA QUINONES

lcdo_sierra@hotmail.com

UNITED STATES TRUSTEE'S AMENDED OBJECTION TO DISCHARGE
IN RE: ANGEL DAVID VAZQUEZ ROQUE, CASE No. 15-06279 (BKT).

Page 3 of 3

WILLIAM SANTIAGO SASTRE

wssbankruptcy@gmail.com,
dsantiagoibanez@gmail.com;
allanosarboleda@gmail.com

I DO HEREBY FURTHER CERTIFY that on this same date a true and exact copy of the foregoing has been sent by regular United States mail to Debtor, Angel David Vazquez Roque, at Res Brisas del Turabo, Edf. 2, Apt. 23, Caguas, PR 00725.

DATED: September 10, 2015.

GUY G. GEBHARDT

Acting United States Trustee for Region 21

MONSITA LECAROS ARRIBAS

Assistant United States Trustee

U.S. DEPARTMENT OF JUSTICE

OFFICE OF THE UNITED STATES TRUSTEE

Edificio Ochoa

500 Tanca Street, Suite 301

San Juan, Puerto Rico 00901-1922

Tel.: (787) 729-7444

Fax: (787) 729-7449

(Electronically Filed)

By: /s/ Julio Guzmán-Carcache

Julio Guzmán-Carcache

Trial Attorney

USDC-PR No. 230104

Julio.Guzman@usdoj.gov